Burning of Rubbish Causes Death of Child.—Defendant factory had been in the habit of getting rid of its rubbish by carrying it over to a vacant lot and burning it. One windy day its employee kindled a fire within ten or twelve feet of the street. During his absence a little girl six years old, who was playing near the fire, was burned to death—burning paper blown in her direction set her dress on fire. In the ensuing action by her father it was contended that she was negligent as matter of law since the danger of contact with fire is known to every man, and that the father was negligent in not taking proper care of his child. The Supreme Court, Trial Term, of New York in Specht *v.* Waterbury Co., 127 New York Supplement, 137, holds, that the negligence of father and daughter were questions for the jury. In the opinion of the court to absolve the defendant from negligence as matter of law would warrant the language used by Judge Thompson in his work on Negligence. "This cruel and wicked doctrine, unworthy of civilized jurisprudence, puts property above humanity, leaves entirely out of view the tender years and infirmity of the child, indeed, his inability to be a trespasser in sound legal theory, and visits upon him the consequences of his trespass as though he were an adult." This judgment was affirmed by the Supreme Court, Appellate Division, 129 New York Supplement, 1147.

What Is Suicide?—The evidence as well as the holding in Walden *v.* Bankers Life Association, 131 Northwestern Reporter, 962, is of interest. This action is to recover upon a certificate of insurance upon the life of Dr. Walden, a dentist. The defense is that deceased committed suicide which is the main issue. The facts are: Dr. Walden had purchased a small quantity of cyanide of potassium. He had been in the habit of using the drug as an ingredient of the bath for dental plates. The evidence is undisputed that he and his wife were devoted to each other, and that on the morning of the day of his death, when departing for his office, he had kissed her good-by. About one o'clock the occupant of an office in the building where the doctor's office was located noticed that persons coming to Walden's office did not gain admission. About two o'clock some persons entered the office and found the doctor's corpse upon a couch. Near by a glass containing particles of a white substance was found upon the floor. There was some testimony that this substance was cyanide of potassium, but no tests were made to ascertain the truth. The evidence showed that the corpse of one whose death is caused by this poison furnishes definite physical evidence of the fact, and that in the instant case all of those indicia were absent. A written declaration was found upon one of deceased's letter heads, which read as follows: "Dear Wife and all: I am going to leave this earth, Good-by, good-by. Jas. I am using cyanide of

potassium, KCN. Pray for me and may God forgive me." With this evidence before it, the Supreme Court of Nebraska holds that the evidence does not exclude all reasonable probability of death by accident, or from natural causes. In passing upon the strongest proof, which seemed to be the written statement, the court says: "The doctor did not state he was taking cyanide of potassium, but that he was using it, nor did he write that he was about to commit suicide; he often used the drug in his laboratory, and it is possible that one of the fainting spells to which he was subject was approaching, and he had a premonition that it would be fatal. We do not say that an inference that Dr. Walden intended to take his life by the use of cyanide of potassium cannot be logically drawn from this communication; but we do say other and innocent inferences may likewise logically be deduced therefrom." A verdict for plaintiff was affirmed. Judge Sedgwick in the discenting opinion, says: "If anything can be proved by human testimony to a moral certainty this evidence, I think, proves suicide, and no good can result from denying insurance companies the equal protection of the law."

To Visit an Affianced Is to Go on a Journey.—In a recent case entitled Ellington *v.* Town of Denning, 138 Southwestern Reporter, 453, appeal is taken from a conviction for carrying a weapon. Appellant was arrested while returning in a buggy from a visit to his affianced. The statute exempts persons who are on a "journey," so his defense was that he was on a journey and was not liable. The Supreme Court of Arkansas so holds, and makes the following comment: "It is truly regrettable that the lawmakers have not remodeled the statute so as to strike from it this antiquated exception, which is really a reflection on our civilization, and which too often affords a convenient loophole for the escape of violators of law. In these days there are no perils of the highway against which a traveler needs for protection a deadly weapon. The enforcement of law and order should be, and is, a sufficient guaranty of safety to the traveler along the highway, and it is absurd to say that he needs a pistol to protect himself from attack. This exception in the statute against carrying weapons is a relic of days far remote from the present, when men had to protect themselves from lawlessness with their own strength and prowess, and it is not in keeping with modern civilization. The sooner it is stricken out of the statutes the better for our good name, and for the peace and good order of society. The man with the pistol is generally looking for trouble, and he finds it oftener than the unarmed man."